

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID TARVER,

Petitioner,

v.

MAGGIE MILLER-STOUT

Respondent.

Case No. C05-5237FDB

ORDER CHANGING CASE
CAPTION AND FOR SERVICE
AND RETURN, § 2254 PETITION

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 10). Petitioner originally named only the State of Washington and the Department of Corrections as a Respondent. An order to amend or change the caption was entered and petitioner has filed a motion to change the caption to reflect Maggie Miller-stout as the respondent. That motion is **GRANTED**. Further, the court now **ORDERS:**

(1) The clerk shall arrange for service by certified mail upon respondent, a copy of the petition, of all documents in support thereof, and of this Order. All costs of service shall be

ORDER

1 advanced by the United States. The Clerk shall assemble the necessary documents to effect service.
2 The Clerk shall send petitioner a copy of this Order and the General Order.

3 (2) Within forty-five (45) days after such service, respondent shall file and serve an
4 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
5 Courts. As part of such answer, respondents should state whether petitioner has exhausted available
6 state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse
7 of delay under Rule 9. Respondent shall not file a dispositive motion in place of an answer without
8 first showing cause as to why an answer is inadequate. Respondent shall file the answer with the
9 Clerk of Court and serve a copy of the answer upon petitioner.

10 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon
11 receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the
12 answer is filed, petitioner may file and serve a response not later than on the Monday immediately
13 preceding the Friday appointed for consideration of the matter, and respondent may file and serve a
14 reply brief not later than on the Thursday immediately preceding the Friday designated for
15 consideration of the matter.

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18 DATED this 30th day of August, 2005.
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23 Karen L. Strombom
24 United States Magistrate Judge
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ORDER